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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/057,313	04/08/98	MCCOWN J	033449-002

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EXAMINER	
MCALLISTER,S	
ART UNIT	**PAPER NUMBER**
3652	8
DATE MAILED:	01/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/057,313	McCown et al
Examiner	**Group Art Unit**
Steven B. McAllister	3652

☐ Responsive to communication(s) filed on _____ .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) 1-15 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 16-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group II (claims 16-24) in Paper No. 7 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20, 21, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preambles of claims 20 and 24 recite the subcombination of a loading method, but the body of the claims recite elements of the combination of a loading method and an unloading method. It is unclear whether the combination or subcombination was intended to be claimed. In examining the claims, it was assumed that the subcombination was claimed.

Line 2 of claim 23 recites "a ramp", but should recite "the ramp" since it is referring the ramp already recited in claim 22.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 16, 22, and 23 are rejected under 35 U.S.C. 102(b) as anticipated by Ikuta or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ikuta in view of Freeman.

Regarding the 102(b) rejection, the use of the apparatus of Ikuta inherently discloses selecting containers 3 for a marine environment; lifting and transporting them over a ramp (see Figs. 1 and 3); positioning the containers by use of the vehicle (Fig. 1); securing the containers (see tie-downs 5 and English abstract).

As to claim 22, the use of the apparatus of Ikuta inherently discloses selecting containers 3 for a marine environment; lifting and transporting them over a ramp (see Figs. 1 and 3); positioning the containers in a desired location on the associated dock.

As to claim 23, the use of the apparatus of Ikuta inherently discloses securing a ramp to a longitudinal rail 24 on the ship prior to the lifting step (see Figs. 1 and 3).

Regarding the 103(a) rejection of claims, Ikuta discloses all elements of claim 16 (as discussed above) except a ramp. Freeman discloses the use of a ramp 24 in loading a vessel. It would have been obvious to one of ordinary skill in the art to modify the method of loading of

Ikuta by using a ramp as taught by Freeman to allow easier adjustment to docks of varying heights.

Regarding claims 22 and 23, Ikuta discloses all elements of the claims (as discussed above) except a ramp. Freeman discloses the use of a ramp 24 in loading a vessel. It would have been obvious to one of ordinary skill in the art to modify the method of unloading of Ikuta by using a ramp as taught by Freeman to allow easier adjustment to docks of varying heights.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Backteman et al.

Ikuta discloses all elements of the claims as discussed in paragraph 5, except the use of twistlocks. Backteman et al discloses the use of twistlocks. It would have been obvious to one of ordinary skill in the art to modify the method of Ikuta by using the twistlocks of Backteman et al in order to allow quicker and easier connections due to the automatic rotating of the twistlocks under load.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta.

Ikuta discloses all elements of the claim except towing the vessel to a destination and using a reach stacker vehicle to unload the vessel. However, it is well known in the art to tow a vessel to a destination. It would have been obvious to one of ordinary skill in the art to tow the vehicle to the destination in order to reduce the cost of the cargo-carrying barge.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Slater.

Ikuta in view of the well known prior art discloses all elements of the claim except using a reach stacker to unload the cargo. Slater discloses the use of a reach stacker vehicle 16 to unload the vessel. It would have been obvious to one of ordinary skill in the art to modify the load handling method of Ikuta by using a reach stacker to unload cargo as taught by Slater in order to enable routing of specific containers to specific destinations and to enable the handling of the stacked cargo.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikuta in view of Backteman et al as applied to claims 17-19 above, and further in view of Slater.

Ikuta in view of Backteman et al disclose all elements of the claim except towing the vessel to a destination and using a reach stacker vehicle to unload the vessel. However, it is well known in the art to tow a vessel to a destination. It would have been obvious to one of ordinary skill in the art to tow the vehicle to the destination in order to reduce the cost of the cargo-carrying barge. Also, Slater discloses the use of a reach stacker vehicle 16 to unload the vessel. It would have been obvious to one of ordinary skill in the art to modify the load handling method of Ikuta by using a reach stacker to unload cargo as taught by Slater in order to enable routing of specific containers to specific destinations and to enable the handling of the stacked cargo.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

Steven B. McAllister

January 3, 2000

1/3/00

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
GROUP ~~310~~ 3600